

AMENDED IN SENATE MAY 3, 2000
AMENDED IN SENATE APRIL 11, 2000
AMENDED IN SENATE MARCH 30, 2000

SENATE BILL

No. 1641

Introduced by Senator Bowen

February 22, 2000

An act to add Sections 1473, 2329.1, and 2620.1 to the Probate Code, relating to guardianship and conservatorship.

LEGISLATIVE COUNSEL'S DIGEST

SB 1641, as amended, Bowen. Guardians and conservators.

Existing law sets forth various requirements governing guardianship and conservatorship, as specified.

This bill would set forth specific requirements governing probate guardianships and conservatorships in which the guardian or conservator is a family member or blood relative. This bill would also require the court, if the value of the estate of a ward or conservatee exceeds \$20,000, to appoint legal counsel to represent the ward or conservatee, *unless the court finds and states on the record that the appointment of legal counsel is not necessary* to be compensated by the estate at a rate determined by the court. The bill would also require the Judicial Council to make a cost-of-living adjustment to the above amount in the valuation of the estate, as specified, and to publish these adjusted amounts in the California Rules of Court.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1473 is added to the Probate
2 Code, to read:

3 1473. Notwithstanding any other provision of law, if
4 the guardian or conservator of the estate of a ward or
5 conservatee fails to file an accounting required under
6 Section 2620.1 within ~~30~~ 90 days of the date the filing is
7 due, the court shall determine the value of the estate. If
8 the estate is determined to exceed twenty thousand
9 dollars (\$20,000) in value, the court shall appoint legal
10 counsel to represent the ward or conservatee, to be
11 compensated from the estate as determined by the court,
12 *unless the court finds and states on the record that*
13 *appointment of legal counsel is not necessary to protect*
14 *the interest of the estate of the ward or conservatee.* The
15 Judicial Council shall annually adjust this dollar amount
16 according to the cost-of-living adjustment calculated
17 pursuant to Section 9360.9 of the Government Code, and
18 shall publish the adjusted amounts in the California Rules
19 of Court.

20 SEC. 2. Section 2329.1 is added to the Probate Code,
21 to read:

22 2329.1. Notwithstanding Section 2329 or any other
23 provision of law, where the guardian or conservator is a
24 family member or blood relative as defined in subdivision
25 (b) of Section 2620.1, the amount of the bond shall not be
26 reduced below the amount determined pursuant to
27 Section 2320. If the actual value of the estate subject to
28 this subdivision is unknown at the time of appointment of
29 the guardian or conservator, the court shall adjust the
30 amount of the bond within 60 days of filing of the
31 inventory of the estate conducted under Section 2610.
32 Funds belonging to the estate under Section 2328 shall be
33 excluded from the value of the estate as determined
34 under Section 2320.



1 SEC. 3. Section 2620.1 is added to the Probate Code,
2 to read:

3 2620.1. (a) Notwithstanding subdivision (a) of
4 Section 2620, if the guardian or conservator is a family
5 member or blood relative of the ward or conservatee, at
6 the expiration of one year from the time of appointment,
7 and thereafter not less frequently than annually, unless
8 otherwise ordered by the court, the guardian or
9 conservator shall present the account of the guardian or
10 conservator to the court for settlement and allowance in
11 the manner provided in Chapter 4 (commencing with
12 Section 1060) of Part 1 of Division 3.

13 (b) For purposes of this section, the term “family
14 member or blood relative” means an individual related
15 by affinity or consanguinity within the third degree as
16 determined by common law, or an individual in a step or
17 adoptive relationship within the third degree.

